

ESTTA Tracking number: **ESTTA712932**

Filing date: **12/07/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062356
Party	Plaintiff Concorde Battery Corporation
Correspondence Address	EDWIN KOMEN SHEPPARD MULLIN RICHTER & HAMPTON LLP 2099 PENNSYLVANIA AVE NW , STE 100 WASHINGTON, DC 20006 UNITED STATES ekomen@sheppardmullin.com, shwang@sheppardmullin.com, pbost@sheppardmullin.com, laipdocketing@sheppardmullin.com
Submission	Motion to Consolidate
Filer's Name	Edwin Komen
Filer's e-mail	EKomen@smrh.com, pbost@smrh.com
Signature	/Edwin Komen/
Date	12/07/2015
Attachments	Concorde Battery's Motion to Consolidate the Proceedings.pdf(24808 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Concorde Battery Corporation,	)	
	)	Opposition No. 91-224081
Opposer,	)	Serial No. 86/497,484
	)	Mark: PLATINUM SERIES
v.	)	
	)	Cancellation No. 92-062356
Air 1st Aviation Companies, Inc.	)	Reg. No. 4,726,130
AKA Air 1 <sup>st</sup> Corporation,	)	Mark: PLATINUM SERIES MU-2
	)	
Applicant.	)	
	)	

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OPPOSER AND PETITIONER CONCORDE BATTERY CORPORATION'S  
MOTION, WITH CONSENT, TO CONSOLIDATE THE PROCEEDINGS

Opposer and Petitioner Concorde Battery Corporation ("Opposer"), with the consent of Applicant and Registrant Air 1st Aviation Companies, Inc. ("Applicant"), hereby moves the Board, pursuant to TBMP § 511, to consolidate the above-captioned proceedings, namely:

- *Concord Battery Corporation v. Air 1st Aviation Companies, Inc.*, Opposition No. 91-224081; and
- *Concorde Battery Corporation v. Air 1st Aviation Companies, Inc.*, Cancellation No. 92-062356.

In both proceedings, Opposer relies on its registered rights in the PLATINUM SERIES mark, and alleges priority and likelihood of confusion. Opposer's Notice of Opposition and Petition for Cancellation are substantially the

same, except that the latter asserts an additional basis for cancellation of PLATINUM SERIES MU-2.

Because the allegations in the proceedings are substantially the same, there are common questions of fact and law. In short, the grounds for the proceedings are essentially the same. In addition, the parties and their counsel are identical, and the proceedings are both in the same early stages as one another. In fact, the parties recently conducted a consolidated discovery conference related to both proceedings.

Given these facts, consolidation would save time, effort, and expense for all involved. In view of the similarity of issues and identity of parties in the proceedings and in the interest of judicial economy, Opposer, with Applicant's consent, respectfully requests that the Board consolidate Opposition No. 91-224081 and Cancellation No. 92-062356 pursuant to TBMP § 511, and reset the trial and pre-trial dates in the resulting parent proceeding.

December 7, 2015

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON  
LLP

By: /Edwin Komen/

EDWIN KOMEN  
PAUL BOST

Attorneys for Opposer and Petitioner

CONCORDE BATTERY CORPORATION

Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue, NW, Suite 100  
Washington, DC 20006-6801  
Tel.: (202) 747-1900

### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this OPPOSER AND PETITIONER CONCORDE BATTERY CORPORATION'S MOTION, WITH CONSENT, TO CONSOLIDATE THE PROCEEDINGS is being transmitted electronically through the ESTTA Filing System to the United States Patent and Trademark Office on this day, December 7, 2015.

/Lynne Thompson/\_\_\_\_\_  
Lynne Thompson

### **CERTIFICATE OF SERVICE**

I hereby certify that this OPPOSER AND PETITIONER CONCORDE BATTERY CORPORATION'S MOTION, WITH CONSENT, TO CONSOLIDATE THE PROCEEDINGS is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to Applicant and Registrant Air 1st Aviation Companies, Inc., on this day, December 7, 2015:

Charles C. Stebbins, III  
Mitchell B. Snyder  
WARLICK, STEBBINS, MURRAY & CHEW, LLP  
P.O. Box 1495  
Augusta, GA 30903-1495

/Lynne Thompson/\_\_\_\_\_  
Lynne Thompson